

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS  
OF THE STATE OF IOWA**

RECEIVED  
EXECUTIVE DIRECTOR  
BOARD OF EDUCATIONAL EXAMINERS  
SEP 28 2022

In the matter of:	)	Case No. 22DOEBEE0028
	)	BOEE Case No. 21-105
<b>JENNIFER TURNER,</b>	)	
Folder # 997945	)	
Respondent.	)	<b>SETTLEMENT AGREEMENT</b>
	)	<b>AND FINAL ORDER</b>

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code rule 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against her at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

**STIPULATIONS**

1. Respondent holds a Behind the Wheel Driving Instruction Authorization (FOLDER # 997945) with the following endorsements: 5-12 Driver and Safety Education. This license is current and will next expire on April 5, 2023. Respondent previously held an Initial License with endorsements for 5-12 Journalism; 5-12 Driver and Safety Education; 5-12 Psychology; and 5-12 Sociology, which expired on July 31, 2017.

2. During all material events of this case, Respondent was employed as an Owner and Instructor with the Open Road Driving School.

3. On August 27, 2021, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics

4. On December 10, 2021, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph 5 below.

5. Respondent was charged with (1) failing to make reasonable effort to protect

the health and safety of the student or creating conditions harmful to student learning, in violation of 282 Iowa Administrative Code rule 25.3(6)(c); (2) conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement, in violation of 282 Iowa Administrative Code rule 25.3(6)(d); (3) willfully or repeatedly departing from or failing to conform to the minimum standards of acceptable and prevailing educational practice in the state of Iowa, in violation of 282 Iowa Administrative Code rule 25.3(8)(a); and (4) willfully or repeatedly failing to practice with reasonable skill and safety, in violation of 282 Iowa Administrative Code rule 25.3(8)(b).

6. Investigation revealed Respondent confronted a competing driver's education company owner during a driving lesson with students and argued about a pending dispute between the companies. The parties dispute whether Respondent impeded the student's vehicle with her own.

### **SETTLEMENT AGREEMENT**

7. This Settlement Agreement and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

8. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

a. Respondent accepts a PUBLIC REPRIMAND.

b. Respondent accepts a SUSPENSION of her license(s) for a minimum of ONE (1) YEAR, with all but FOUR MONTHS DEFERRED. Respondent agrees she bears the burden of applying for release of the deferred suspension pursuant to 282 Iowa Administrative Code 11.34 and that she bears the burden of proving that the basis for her deferred suspension no longer exists and that it will be in the public interest to fully reinstate her license(s). Additionally, Respondent agrees she is not eligible for full reinstatement or to apply for any other license or authorization issued by the Board until she satisfactorily completes the requirements of subparagraphs (c) and (d) below.

i. To ensure clarity for all parties, during the period of suspension, Respondent is not prohibited from performing:

1. Clerical responsibilities, such as checking in parents and students at scheduled drive times and in person scheduling meetings so long as another licensee is present; sending routine correspondence or uploading certificates to the Iowa Department of Transportation; and

2. Administrative duties associated with the business, such as payroll, taxes, etc.

ii. Respondent understands she is prohibited from working with or communicating with students one-on-one; providing live instruction; or driving with students during the period of suspension.

iii. In the event the Respondent does not complete the evaluation required in subparagraph (d) below within the first 4 months, the suspension shall not be deferred until satisfactory completion of the evaluations.

iv. In the event there is a finding of probable cause of a new licensing violation during the period of suspension or deferred suspension, a suspension order shall immediately issue.

v. If the suspension order issues as a result of the provisions in paragraph (8)(b)(iv), the Respondent's license(s) shall be suspended for a period of not less than two (2) years from the date of the order. Respondent would still bear the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code rule 11.34, as described above.

c. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators," which is offered by the ISEA, or "Ethical Educators," which is offered by the PEI. Respondent is responsible for all costs associated with the completion of the ethics course. Respondent shall provide the Board with proof of completion of the required courses within one (1) year of the Board's acceptance of this Settlement Agreement. In addition, education hours earned through the required course shall not be used toward continuing education requirements.

d. Respondent agrees to undergo a mental health evaluation that includes an assessment concerning anger management. This evaluation shall be performed by a licensed professional selected by Respondent, with prior approval by the Board's Executive Director. Respondent shall provide the professional a copy of the complaint, the investigative file, and this Settlement Agreement and Final Order prior to the mental health evaluation.

i. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the mental health evaluation.

ii. Respondent shall comply with any and all recommendations for treatment and/or training resulting from the evaluation and must successfully complete any recommended counseling prior to seeking reinstatement. Respondent is responsible for all costs of the evaluation and any treatment and training. Respondent is not eligible to apply for reinstatement until the Board determines she has satisfactorily completed this requirement.

## LICENSEE DECLARATION

I understand that this Settlement Agreement and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand that I have the right to be represented by counsel in this matter.

I understand State's counsel will present this Settlement Agreement and Final Order to the Board *ex parte*.

I agree to comply with the requirements set forth in the stipulations and requirements of this Settlement Agreement and Final Order and understand that my failure to do so can result in additional discipline of my license(s).

I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to appeal or seek judicial review of the Board's actions.

I understand that the Statement of Charges, and the Settlement Agreement and Final Order are public records, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

Sep 28, 2022

Date

*Jenny Turner*

Jenny Turner (Sep 28, 2022 13:17 CDT)

JENNIFER TURNER, Respondent

## ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

2. Respondent's license(s) is SUSPENDED for a minimum of ONE YEAR. All but FOUR MONTHS of the suspension shall be DEFERRED. Respondent bears the burden upon request for reinstatement to prove that the reason for suspension no longer exists and that it will be in the public interest to reinstate her license. Additionally, Respondent is not eligible for reinstatement or to apply for any other license or authorization issued by the Board until she satisfactorily completes the requirements of paragraphs (3) and (4) below.

a. In the event the Respondent does not complete the evaluation required in subparagraph (4) below within the first 4 months, the suspension shall not be deferred until satisfactory completion of the evaluation.

b. In the event there is a finding of probable cause of a new licensing violation during the period of suspension or deferred suspension, a suspension order shall immediately issue.

c. If the suspension order issues as a result of the provisions in paragraph (2)(b), the Respondent's license(s) shall be suspended for a period of not less than two (2) years from the date of the order. Respondent would still bear the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code rule 11.34, as described above.

3. Respondent shall successfully complete at least fifteen in-person contact hours in "Ethics for Educators," which is offered by the ISEA, or "Ethical Educators," which is offered by the PEI. Respondent is responsible for all costs associated with the completion of the ethics course. Respondent shall provide the Board with proof of completion of the required course within one (1) year of the Board's acceptance of this Settlement Agreement. In addition, education hours earned through the required course shall not be used toward continuing education requirements.

4. Respondent agrees to undergo a mental health evaluation that includes an assessment concerning anger management. This evaluation shall be performed by a licensed professional selected by Respondent, with prior approval by the Board's Executive Director. Respondent shall provide the professional a copy of the complaint, the investigative file, and this Settlement Agreement and Final Order prior to the mental health evaluation.

a. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the mental health evaluation.

b. Respondent shall comply with any and all recommendations for treatment and/or training resulting from the evaluation and must successfully complete any recommended counseling prior to seeking reinstatement. Respondent is responsible for all costs of the evaluation and any treatment and training. Respondent is not eligible to apply for reinstatement until the Board determines she has satisfactorily completed this requirement.

5. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 14<sup>th</sup> day of October, 2022.



---

Michael Cavin, Executive Director  
Iowa Board of Educational Examiners

Copies to:

Jennifer Turner  
RESPONDENT

Ryan Gerling  
ATTORNEY FOR RESPONDENT

Kristi A. Traynor  
ATTORNEY FOR THE STATE

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS  
OF THE STATE OF IOWA**

---

In the matter of	)	Case No. 21-105
	)	Folder No. 997945
<b>JENNIFER TURNER,</b>	)	
	)	<b>NOTICE OF HEARING</b>
Respondent.	)	<b>AND STATEMENT OF CHARGES</b>

---

**YOU ARE HEREBY NOTIFIED** that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

**A. TIME, PLACE AND NATURE OF HEARING**

1. Hearing will be held on Tuesday, June 14, 2022, before Administrative Law Judge Tricia Johnston acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 9:00 a.m. at the Department of Inspections and Appeals, Wallace State Office Bldg., Third Floor, 502 E. 9<sup>th</sup> Street (East 9<sup>th</sup> and Grand Avenue), Des Moines, Iowa. Please report to the main floor atrium (2<sup>nd</sup> floor) and call 515-281-6468 upon your arrival for assistance.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 Iowa Administrative Code rule 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any

resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 Iowa Administrative Code rule 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Kristi A. Traynor  
Assistant Attorney General  
Iowa Department of Justice  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319  
Telephone (515) 281-5309

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Assistant Attorney General Traynor at (515) 281-5309.

## **B. SECTIONS OF STATUTES AND RULES INVOLVED**

### **Count I**

7. Respondent is charged with failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning, in violation of 282 Iowa Administrative Code rule 25.3(6)(c).

### **Count II**

8. Respondent is charged with conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement, in violation of 282 Iowa Administrative Code rule 25.3(6)(d).

### **Count III**

9. Respondent is charged with willfully or repeatedly departing from or failing to conform to the minimum standards of acceptable and prevailing educational



practice in the state of Iowa, in violation of 282 Iowa Administrative Code rule 25.3(8)(a).

#### **Count IV**

10. Respondent is charged with willfully or repeatedly failing to practice with reasonable skill and safety, in violation of 282 Iowa Administrative Code rule 25.3(8)(b).

#### **C. JURISDICTION AND LEGAL AUTHORITY**

11. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Administrative Code chapter 11.

#### **D. FACTUAL CIRCUMSTANCES**

12. Respondent holds a Behind the Wheel Driving Instruction Authorization (FOLDER # 997945) with the following endorsements: 5-12 Driver and Safety Education. This license is current and will next expire on April 5, 2022. Respondent previously held an Initial License with endorsements for 5-12 Journalism; 5-12 Driver and Safety Education; 5-12 Psychology; and 5-12 Sociology, which expired on July 31, 2017.

13. During all material events of this case, Respondent was employed as an Owner and Instructor with the Open Road Driving School.

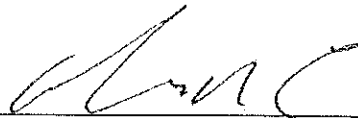
14. On August 27, 2021, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On December 10, 2021, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

15. Investigation revealed that on or about June 16, 2021, Respondent accosted a driver's education vehicle during a driving lesson; yelled and ranted about a lawsuit; obstructed a student driver's view with legal paperwork; and pulled her vehicle behind one driven by a student driver when the driver was backing up almost causing a collision.

## **E. SETTLEMENT**

16. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code rule 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 21<sup>st</sup> day of March, 2022.



---

Michael D. Cavin, Executive Director  
Iowa Board of Educational Examiners

Copies to:

Jennifer Turner (first-class mail and certified mail)  
RESPONDENT

Ryan Gerling (electronic mail)  
ATTORNEY FOR RESPONDENT

Kristi A. Traynor (electronic mail)  
ATTORNEY FOR THE STATE